

ARTICLE 7. DRIVER'S LICENSE DIVISION

Rule 1. Motorized Bicycles (Repealed)

(Repealed by Bureau of Motor Vehicles; filed Nov 26, 1996, 4:35 p.m.: 20 IR 938)

Rule 2. Motorcycle Operator Licensing Regulations

140 IAC 7-2-1 Definitions

Authority: IC 9-14-2-2

Affected: IC 9-13-2-16; IC 9-13-2-109; IC 9-24-7; IC 9-24-8

Sec. 1. The words and phrases as used in this rule shall have the following meanings:

Bureau of motor vehicles or bureau means the bureau of motor vehicles of the state of Indiana as found in IC 9-13-2-16.

Commissioner means the commissioner of the bureau of motor vehicles of the state of Indiana.

Motorcycle means every motor vehicle having a saddle for the use of the rider, and designed to travel on not more than three (3) wheels in contact with the ground but excluding a motorized bicycle as defined in IC 9-13-2-109.

Motorcycle learner's permit means a permit issued by the bureau of motor vehicles enabling a person to operate a motorcycle on the streets and highways in the state of Indiana subject to the laws of the state and the specific restrictions contained in IC 9-24-7.

Motorcycle temporary learner's permit means a permit issued by the bureau of motor vehicles enabling a person to operate a motorcycle on the streets and highways in the state of Indiana while enrolled in an approved drivers education and training course subject to the laws of the state and the specific conditions and restrictions contained in IC 9-24-8.

Motorcycle license endorsement means an authorization placed on an existing operators, chauffeurs, or public passenger chauffeurs license indicating an authority to operate a motorcycle on the streets and highways in the state of Indiana.

Visual acuity test means the passing of a test with not less than 20/40 in either eye with or without glasses. *(Bureau of Motor Vehicles; 140 IAC 7-2-1; filed Apr 28, 1981, 9:35 a.m.: 4 IR 899; filed Nov 9, 1983, 3:40 p.m.: 7 IR 23; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231)*

140 IAC 7-2-2 Motorcycle learner's permit

Authority: IC 9-14-2-2; IC 9-24-10-2

Affected: IC 9-24-8

Sec. 2. An applicant for a motorcycle learner's permit may apply at any license branch of the bureau of motor vehicles subject to the following:

(1) the applicant must hold a valid Indiana operators, chauffeurs or public passenger chauffeurs license that is not suspended or revoked;

(2) the applicant must pass a written test on the subject of motorcycle operation and safety; and

(3) the applicant must pay the required state fee.

(Bureau of Motor Vehicles; 140 IAC 7-2-2; filed Apr 28, 1981, 9:35 a.m.: 4 IR 900; filed Nov 9, 1983, 3:40 p.m.: 7 IR 24; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231)

140 IAC 7-2-3 Motorcycle temporary learner's permit

Authority: IC 9-14-2-2; IC 9-24-10-2

Affected: IC 9-24-8

Sec. 3. An applicant may apply for a motorcycle temporary learner's permit at any license branch of the bureau of motor vehicles subject to the following:

(1) the applicant must be fifteen (15) years of age or older;

(2) the applicant must be enrolled in an approved motorcycle education and training course approved by the commissioner and taught under the supervision of a certified motorcycle instructor and present evidence of such enrollment to the license branch;

(3) the applicant must pass a visual acuity test if he does not possess a valid operators, chauffeurs or public passenger chauffeurs license; and

(4) the applicant must pay the required state fee.

(Bureau of Motor Vehicles; 140 IAC 7-2-3; filed Apr 28, 1981, 9:35 a.m.: 4 IR 900; filed Nov 9, 1983, 3:40 p.m.: 7 IR 24; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231)

140 IAC 7-2-4 Motorcycle license endorsement

Authority: IC 9-14-2-2; IC 9-24-10-2

Affected: IC 9-24-8

Sec. 4. Any person who holds any classification of an Indiana driver license, except a regular learner's permit, may apply for a motorcycle license endorsement at any of the license branches of the bureau of motor vehicles subject to the following:

- (1) the applicant must pass a written test if he has not previously taken and passed the test when obtaining a learner's permit;
- (2) the applicant must pass a motorcycle skills test and
- (3) the applicant must pay the required motorcycle license endorsement fee and the motorcycle skills test fee.

Any individual who has his operators, chauffeurs, or public passenger chauffeurs license suspended or revoked shall be ineligible to apply for a motorcycle license endorsement during the period of suspension or revocation. Any applicant who has held a valid motorcycle learner's permit for thirty (30) days or more, or who has a valid temporary motorcycle learner's permit and has passed a motorcycle driver education and training course, and has a valid Indiana operators, chauffeurs or public passenger chauffeurs license may be permitted to apply for a motorcycle license endorsement and take the required tests. *(Bureau of Motor Vehicles; 140 IAC 7-2-4; filed Apr 28, 1981, 9:35 a.m.: 4 IR 900; filed Nov 9, 1983, 3:40 p.m.: 7 IR 25; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231)*

140 IAC 7-2-5 Motorcycle written test

Authority: IC 9-14-2-2; IC 9-24-10-2

Affected: IC 9-24-8

Sec. 5. The written test offered for motorcycle license endorsement and the motorcycle learner's permit will be a common test designated as "motorcycle operators/learners test". Any person who passes the written test and obtains a learner's permit will not be required to again take the written test at the time of application for a motorcycle license endorsement. The written test will consist of twenty-five (25) questions, twenty-one (21) of which must be answered correctly. *(Bureau of Motor Vehicles; 140 IAC 7-2-5; filed Apr 28, 1981, 9:35 a.m.: 4 IR 900; filed Nov 9, 1983, 3:40 p.m.: 7 IR 25; readopted filed Oct 17, 2001, 4:01 p.m.: 25 IR 920)*

140 IAC 7-2-6 Motorcycle skills test

Authority: IC 9-14-2-2; IC 9-24-10-2

Affected: IC 9-24-8

Sec. 6. The bureau of motor vehicles will utilize motorcycle skills tests that will test the applicant's ability to operate a two (2) or three (3) wheeled motorcycle. Procedures and requirements for the motorcycle skills test are as follows:

- (1) The skills test shall be administered by a person certified to be a motorcycle license examiner by the commissioner. No person who has been an instructor or owner of a school offering motorcycle instruction for a fee may administer a skills test to an applicant who completed such school or course in which the examiner was an instructor or owner.
- (2) An applicant for a skills test must contact a bureau of motor vehicles license branch where such test will be scheduled as to place, time, and location.
- (3) The test will contain maneuvers with a motorcycle involving stopping, turning, braking, riding through obstacles, and the testing of other areas of riding skills. The applicant must receive less than eleven (11) penalty points to successfully pass the skills test. If the applicant is assessed eleven (11) penalty points any time prior to the completion of the test, the examination attempt will be terminated.
- (4) Any applicant who does not successfully pass the motorcycle skills test shall be eligible to take a second test on an equivalent type motorcycle on the same day or at a future date. Any person requesting a second test on the same day and at the same test site as the initial test shall be permitted, without paying an additional skills test fee, to take such test after all

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other scheduled applicants for that day have taken their initial test. Any person who fails the skills test for the third time must wait sixty (60) days prior to reapplying and taking the skills test.

(5) The skills test shall be taken utilizing a two (2) or three (3) wheeled motorcycle.

(6) All persons must wear a helmet when taking the skills test.

(7) Every applicant, prior to taking the skills test, will be required to sign a waiver of liability. The waiver will include information to the effect that the applicant:

(A) understands the type of skills test to be given and believes to be qualified to take such test; and

(B) will hold the bureau of motor vehicles, the state, the owners of the test site, and the motorcycle examiner harmless for any injury sustained from any accident during the test that was caused by the applicant taking the test offered under reasonable conditions.

(Bureau of Motor Vehicles; 140 IAC 7-2-6; filed Apr 28, 1981, 9:35 a.m.: 4 IR 901; filed Nov 9, 1983, 3:40 p.m.: 7 IR 25; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Oct 17, 2001, 4:01 p.m.: 25 IR 920)

140 IAC 7-2-7 Operational skills test waiver (Repealed)

Sec. 7. *(Repealed by Bureau of Motor Vehicles; filed Nov 9, 1983, 3:40 p.m.: 7 IR 27)*

140 IAC 7-2-8 Motorcycle learner's permits; suspension or revocation (Repealed)

Sec. 8. *(Repealed by Bureau of Motor Vehicles; filed Nov 9, 1983, 3:40 p.m.: 7 IR 27)*

140 IAC 7-2-9 Fees for skills test

Authority: IC 9-14-2-2; IC 9-24-10-2

Affected: IC 9-24-8; IC 9-29

Sec. 9. An applicant for a motorcycle skills test shall pay the lawful fee to the certified motorcycle examiner at the time of taking the test. Fees paid to certified motorcycle examiners who are state employees shall be remitted to the bureau of motor vehicles by the examiner. Fees collected by a certified motorcycle examiner who is not a state employee shall be retained by such examiner for services rendered. *(Bureau of Motor Vehicles; 140 IAC 7-2-9; filed Apr 28, 1981, 9:35 a.m.: 4 IR 901; filed Nov 9, 1983, 3:40 p.m.: 7 IR 26; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231)*

140 IAC 7-2-10 Certified motorcycle examiners; qualifications

Authority: IC 9-14-2-2; IC 9-24-10-2

Affected: IC 9-24-8

Sec. 10. Certified motorcycle examiners must meet the following qualifications:

(1) be 21 years of age or older;

(2) possess a valid Indiana operators, chauffeurs or public passenger chauffeurs license;

(3) successfully complete a training course offered by the bureau of motor vehicles for certified motorcycle examiners; and

(4) give a minimum of five (5) skills tests each year.

(Bureau of Motor Vehicles; 140 IAC 7-2-10; filed Apr 28, 1981, 9:35 a.m.: 4 IR 902; filed Nov 9, 1983, 3:40 p.m.: 7 IR 26; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231)

140 IAC 7-2-11 Licensing of motorcycle training instructors

Authority: IC 9-14-2-2; IC 9-24-10-2

Affected: IC 9-24-8; IC 9-24-10

Sec. 11. Motorcycle training instructors, except those certified to teach motorcycle instruction by the superintendent of public instruction, shall be required to be licensed in accordance with the provisions of 140 IAC 4-1-13 pertaining to commercial driving schools and instructors. *(Bureau of Motor Vehicles; 140 IAC 7-2-11; filed Apr 28, 1981, 9:35 a.m.: 4 IR 902; filed Nov 9, 1983,*

3:40 p.m.: 7 IR 26; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231)

140 IAC 7-2-12 Suspension or revocation of instructor license or examiner certification

Authority: IC 9-14-2-2; IC 9-24-10-2

Affected: IC 9-24-8; IC 9-24-10

Sec. 12. The license of any motorcycle instructor or the certification of any certified motorcycle examiner may be suspended or revoked after due notice, and a hearing outlining the reasons for suspension or revocation that may include one or more of the following violations:

- (1) willful or repeated violation of any of the provisions of the law, rules or regulations of the bureau of motor vehicles dealing with motorcycle licensing;
- (2) committing any act which, in the opinion of the commissioner, constitutes unprofessional conduct, intemperance, or negligence in the performance of duties required and privileges conferred by licensure or certification;
- (3) practicing fraud, deceit, or misrepresentation in obtaining a license or certification; or
- (4) conducting fraudulent, misleading or deceptive advertising or promotion in regard to commercial motorcycle instruction programs.

Upon application for restoration of a license or certification that has been revoked or suspended for any reason under this rule, the commissioner, at his discretion, may reinstate the license or certification. (*Bureau of Motor Vehicles; 140 IAC 7-2-12; filed Apr 28, 1981, 9:35 a.m.: 4 IR 902; filed Nov 9, 1983, 3:40 p.m.: 7 IR 26; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231*)

Rule 3. Commercial Driver's Licensing

140 IAC 7-3-1 Definitions

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-13-2; IC 9-24-6; IC 9-27-4

Sec. 1. (a) The words and phrases as used in this rule shall have the meaning given to them in this section unless the context clearly indicates a different meaning.

(b) "Bureau of motor vehicles" or "bureau" means the bureau of motor vehicles of the state of Indiana. Although the bureau of motor vehicles commission is a separate legal entity, for purposes of this rule it and its branches are incorporated in the definition of "bureau".

(c) "Commissioner" means the commissioner of the bureau of motor vehicles of the state of Indiana.

(d) "Commercial driver's license" or "CDL" means a license issued by the state to a person which authorizes that person to operate a class of commercial motor vehicles.

(e) "Commercial motor vehicle" means a motor vehicle used in commerce to transport passengers or property that:

- (1) has a single or combined declared gross vehicle weight rating of twenty-six thousand one (26,001) pounds and greater;
- (2) is designed to transport sixteen (16) or more passengers, including the operator; or
- (3) transports hazardous materials and is required to be placarded by the United States Department of Transportation, 49 C.F.R. 172.

(f) "State" means any state, province, or commonwealth.

(g) "Commercial driver's license endorsement" means a specific authorization placed on a commercial driver's license by the bureau which enables a person to operate a specific type of commercial motor vehicle on the streets and highways in Indiana.

(h) "Visual acuity screening" means an eye screening given by the bureau to applicants for a commercial driver's license which must be passed in accordance with the standards utilized by the bureau for other types of driver's licenses.

(i) "Commercial driving school" is a driver training school licensed by the state of Indiana under IC 9-27-4 and 140 IAC 4-1.

(j) "Core knowledge exam" means a test designed to verify the applicant's knowledge in the operation of a commercial motor vehicle.

(k) "Commercial driver's license learner's permit" means a permit issued to a first time applicant for a commercial driver's license or CDL endorsement under section 5 of this rule.

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- (l) "Applicant" means any person requesting a commercial driver's license.
- (m) "Application" means a form, supplied by the bureau, that must be completed by any applicant.
- (n) "Grandfather clause" means a waiver of the skills test for any applicant who qualifies under section 20 of this rule.
- (o) "Endorsement knowledge test" means a test designed to verify the applicant's knowledge in the operation of a specific type of commercial motor vehicle.
- (p) "Skills test" means the pretrip, basic control, and road test administered by the bureau or a certified third party tester examiner to an applicant for a commercial driver's license.
- (q) "Certified commercial driver's license skills test examiner" means a person who is certified by the bureau to administer a skills test to any applicant for a commercial driver's license.
- (r) "Resident" means a person who is presently domiciled in Indiana with intent to permanently reside in this state.
- (s) "Bus only" means a restriction on a commercial driver's license, limiting the holder to operation of a bus used in the transportation of passengers only, NOT cargo.
- (t) "Cargo" means goods or materials transported for profit. (*Bureau of Motor Vehicles; 140 IAC 7-3-1; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1834, eff Jul 1, 1990; errata filed Sep 21, 1990, 3:30 p.m.: 14 IR 289; filed Nov 14, 1990, 1:30 p.m.: 14 IR 554; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231*)

140 IAC 7-3-2 General

Authority: IC 9-14-2-2; IC 9-24-6-2
Affected: IC 9-24-6

- Sec. 2. (a) No person who drives a commercial motor vehicle may hold more than one (1) driver's license.
- (b) On or after April 1, 1992, no person may drive a commercial motor vehicle on the highways of this state unless the person holds a commercial driver's license.
- (c) No person may be issued a commercial driver's license unless that person is a resident of this state, has not held more than one (1) operator's license in the previous two (2) years, and has passed a knowledge and skills test, unless the applicant meets the guidelines under section 20 of this rule, for driving a commercial motor vehicle which complies with minimum federal standards established by federal regulation.
- (d) Any commercial driver's license will be subject to all Indiana statutes and Indiana administrative codes governing driver's license privileges. (*Bureau of Motor Vehicles; 140 IAC 7-3-2; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1835, eff Jul 1, 1990; filed Nov 14, 1990, 1:30 p.m.: 14 IR 555; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231*)

140 IAC 7-3-3 Applicant

Authority: IC 9-14-2-2; IC 9-24-6-2
Affected: IC 9-24-6

- Sec. 3. An applicant for a commercial driver's license may apply at any license branch of the bureau subject to the following:
- (1) For the transportation of property, the applicant must be eighteen (18) years of age and have at least one (1) year of driving experience as a licensed driver to apply for a commercial driver's license.
 - (2) To apply for a commercial driver's license to transport passengers in vehicles designed to carry sixteen (16) or more passengers including the operator, the applicant must be twenty-one (21) years of age and have at least one (1) year of driving experience as a licensed driver.
 - (3) On or after April 1, 1992, the applicant must hold a valid commercial driver's license learner's permit.
 - (4) The applicant must pass a visual acuity screening given by the bureau.
 - (5) The applicant must pass a core examination and skills test.
 - (6) The applicant must pass a knowledge and skills test for specific commercial driver's license endorsements.
 - (7) The applicant must pass a physical examination prior to applying for an initial commercial driver's license and every two (2) years thereafter. In fulfilling this requirement, the applicant must meet the guidelines outlined in section 6 of this rule. Proof of passage of the physical examination within two (2) years prior to application must be presented to the bureau at the time of any application for a commercial driver's license or endorsement.
 - (8) The applicant must pay the required fees as outlined in section 15 of this rule.

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(9) The applicant must not have his license suspended, revoked, canceled, or invalidated in Indiana or any other state at the time of application.

(10) The applicant must surrender all licenses in his possession, issued by the state of Indiana or any other state, at the time of application.

(11) The applicant shall be issued his commercial driver's license subject to any restrictions on his driving privileges at the time of application.

(Bureau of Motor Vehicles; 140 IAC 7-3-3; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1835, eff Jul 1, 1990; filed Nov 14, 1990, 1:30 p.m.: 14 IR 555; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231)

140 IAC 7-3-4 Application

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 4. (a) The application for a commercial driver's license or commercial driver's license learner's permit must include the following:

(1) The full name and current residential address of the applicant.

(2) A physical description of the person including sex, height, weight, eye color, and hair color.

(3) Date of birth.

(4) The applicant's Social Security number.

(5) The applicant's signature.

(6) Any other information deemed necessary by the bureau.

(b) When the holder of a commercial driver's license changes his or her name or residential address, an application for an amended commercial driver's license must be made to the bureau.

(c) No person who has been a resident of this state for more than thirty (30) days may drive a commercial motor vehicle under the authority of a commercial driver's license issued by another state.

(d) Any person who knowingly falsifies information or certifications required under subsection (a) is subject to the suspension or cancellation of his or her commercial driver's license for a period to be determined by the bureau. *(Bureau of Motor Vehicles; 140 IAC 7-3-4; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1836, eff Jul 1, 1990; filed Nov 14, 1990, 1:30 p.m.: 14 IR 555; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231)*

140 IAC 7-3-5 Learner's permit

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 5. (a) Any person who is a resident of Indiana may apply for a commercial driver's license learner's permit. The applicant must:

(1) be at least eighteen (18) years of age;

(2) hold a valid Indiana operator's license;

(3) meet all visual and physical examination requirements; and

(4) pass all required knowledge tests.

(b) A valid commercial driver's license learner's permit:

(1) shall not be valid for a period to exceed six (6) months; and

(2) will allow the holder, unless otherwise disqualified, to operate a commercial motor vehicle only when accompanied by the holder of a valid commercial driver's license for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle.

(Bureau of Motor Vehicles; 140 IAC 7-3-5; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1836, eff Jul 1, 1990; readopted filed Oct 17, 2001, 4:01 p.m.: 25 IR 921)

140 IAC 7-3-6 Physical examination requirements

Authority: IC 9-14-2-2; IC 9-24-6-2
Affected: IC 9-24-6

Sec. 6. Every applicant or holder of a commercial driver's license must pass a physical examination described as follows:

(1) For interstate operation, a physical examination as described by the United States Department of Transportation, 49 C.F.R. 391.43.

(2) For intrastate operation, a physical examination as prescribed by the bureau.

(Bureau of Motor Vehicles; 140 IAC 7-3-6; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1836, eff Jul 1, 1990; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231)

140 IAC 7-3-7 Description

Authority: IC 9-14-2-2; IC 9-24-6-2
Affected: IC 9-24-6

Sec. 7. (a) The commercial driver's license shall contain the following information:

(1) The applicant's full name and current residential address.

(2) The applicant's photograph.

(3) Date of birth.

(4) General physical description: height, weight, and sex.

(5) License number.

(6) Date of expiration.

(7) License classification, endorsements, and/or restrictions utilizing appropriate letters or numerals.

(8) Format that distinguishes the commercial driver's licenses issued by the bureau.

(9) Social Security number.

(10) The applicant's signature.

(11) Any additional information deemed necessary by the bureau.

(b) A commercial driver's license issued on or after April 1, 1992, shall expire the last day of the applicant's birth month four (4) years after its issuance. *(Bureau of Motor Vehicles; 140 IAC 7-3-7; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1836, eff Jul 1, 1990; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231)*

140 IAC 7-3-8 Classes

Authority: IC 9-14-2-2; IC 9-24-6-2
Affected: IC 9-24-6

Sec. 8. The following classes of commercial driver's licenses are established in accordance with the standards of the United States Department of Transportation, 40 C.F.R. 386.91:

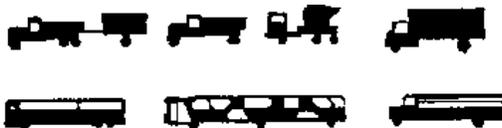
(1) Class A: To permit the operation of any combination of vehicles with a declared gross vehicle weight rating of twenty-six thousand one (26,001) pounds or more provided that the declared gross vehicle weight rating of the vehicle being towed is in excess of ten thousand (10,000) pounds. This class license holder may, with any appropriate endorsements, operate all vehicles within Class B and Class C. Examples include but are not limited to:



(2) Class B: To permit the operation of any single vehicle with a declared gross vehicle weight rating of twenty-six thousand

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one (26,001) pounds or more or any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds declared gross vehicle weight rating. This class license holder may, with any appropriate endorsements, operate all vehicles within Class C. Examples include but are not limited to:



(3) Class C: To permit the operation of any single vehicle less than twenty-six thousand one (26,001) pounds declared gross vehicle weight rating, or any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds declared gross vehicle weight rating. This class applies to vehicles which are placarded for hazardous materials or designed to transport sixteen (16) or more persons including the operator. Examples include but are not limited to:



(Bureau of Motor Vehicles; 140 IAC 7-3-8; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1837, eff Jul 1, 1990; filed Nov 14, 1990, 1:30 p.m.: 14 IR 556; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231)

140 IAC 7-3-9 Core knowledge examination

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 9. (a) The commissioner shall adopt a core knowledge examination that, upon passage, determines that the applicant has the knowledge to operate a commercial motor vehicle on the streets and highways of Indiana.

(b) The applicant must pass a core knowledge examination which shall contain not more than fifty (50) questions nor less than thirty (30) questions. The applicant must correctly answer eighty percent (80%) of the questions.

(c) If the applicant fails the core knowledge examination, the applicant may take as many additional examinations as desired, but only one (1) examination may be taken in any twenty-four (24) hour period.

(d) The test results of a passed core knowledge examination shall be valid for a period of one (1) year from the date of the examination. Core knowledge examination test results over one (1) year old will not be considered. *(Bureau of Motor Vehicles; 140 IAC 7-3-9; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1837, eff Jul 1, 1990; readopted filed Oct 17, 2001, 4:01 p.m.: 25 IR 921)*

140 IAC 7-3-10 Endorsements knowledge test

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 10. (a) Any person who is a resident of the state of Indiana, and who holds a valid commercial driver's license issued by Indiana, may apply for a commercial driver's license endorsement subject to the following:

(1) The applicant must pass the applicable knowledge and skills test required for a specific class of license and any endorsements.

(2) The applicant must pay the required fees as outlined in section 15 of this rule.

(b) All endorsements expire when the commercial driver's license expires.

(c) Any person who has his or her driving privileges suspended or revoked in Indiana or any other state shall be ineligible to

apply for a commercial driver's license endorsement during the period of suspension or revocation.

(d) The hazardous materials endorsement knowledge test must be taken upon application for renewal of the commercial driver's license.

(e) If the applicant does not pass the air brake endorsement knowledge test, he or she shall not operate a vehicle that is equipped with air brakes.

(f) Any and all commercial driver's license endorsement tests passed, as required under this section, shall be valid for a period of one (1) year from the date of the passed test. Test results over one (1) year old will not be considered. (*Bureau of Motor Vehicles; 140 IAC 7-3-10; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1837, eff Jul 1, 1990; filed Nov 14, 1990, 1:30 p.m.: 14 IR 556; readopted filed Oct 17, 2001, 4:01 p.m.: 25 IR 921*)

140 IAC 7-3-11 Skills test

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 11. Skills test as adopted by the bureau will be used to determine the applicant's ability to operate a commercial motor vehicle of the appropriate class. Procedures and requirements for the commercial driver's license skills test are as follows:

(1) The skills test shall be administered by a person certified by the bureau.

(2) The location of the skills test site shall be determined by the bureau.

(3) The applicant, in order to pass the skills test, must successfully display an ability to operate the motor vehicle for which the skills test is being given.

(4) The applicant for each skills test must pay the fee as outlined in section 15 of this rule.

(5) The skills test is not required to be taken at the time of renewal of a commercial driver's license unless the person desires to change to a higher classification of commercial driver's license, or to remove an air brake, or bus only restriction.

(6) Every applicant, prior to taking the skills test, will be required to have successfully passed the core knowledge test.

(7) Every applicant, prior to taking the skills test, will be required to sign a waiver of liability. The waiver will include, but is not limited to, the following:

(A) The applicant understands the type of skills test to be given and believes to be qualified to take this test.

(B) The applicant will hold the bureau and the state harmless for any injury sustained from any accident during the test that was caused by the applicant.

(8) An applicant shall pay the fee for the skills test to the commercial driving school.

(9) Any person who fails the initial skills test shall not be eligible to take a second test within twenty-four (24) hours.

(10) The results of a passed skills test shall be valid for a period of one (1) year from the date of the passed skills test. Skills test results over one (1) year old will not be considered.

(*Bureau of Motor Vehicles; 140 IAC 7-3-11; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1838, eff Jul 1, 1990; readopted filed Oct 17, 2001, 4:01 p.m.: 25 IR 922*)

140 IAC 7-3-12 Commercial driving schools approved

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6; IC 9-27-4

Sec. 12. All commercial driving schools shall qualify under IC 9-27-4 and 140 IAC 4-1. (*Bureau of Motor Vehicles; 140 IAC 7-3-12; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1838, eff Jul 1, 1990; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231*)

140 IAC 7-3-13 Certified skills test examiner; qualifications

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 13. Certified commercial driver's license examiners must meet the following qualifications:

(1) Be twenty-one (21) years of age or older.

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(2) Possess a valid commercial driver's license, with a Class A classification and an endorsement for all of the skill tests that he or she will be certifying.

(3) Have successfully completed a training course approved by the bureau.

(Bureau of Motor Vehicles; 140 IAC 7-3-13; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1838, eff Jul 1, 1990; readopted filed Oct 17, 2001, 4:01 p.m.: 25 IR 922)

140 IAC 7-3-14 Examiners; suspension and revocation of certification

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 14. (a) The certification of any commercial driver's license skills test examiner may be suspended or revoked by the bureau, for a period not to exceed one (1) year, after due notice and a hearing for any of the following violations:

(1) Willful or repeated violations of the laws, rules, or regulations dealing with driver's licensing.

(2) Conduct in training or testing applicants which is unprofessional, intemperate, or negligent.

(3) Fraud, deceit, or misrepresentation in application for certification.

(4) Fraudulent, misleading, or deceptive statements in advertising, or promotion of a commercial driving school.

(b) After the expiration of the revocation or suspension period, an examiner whose certification has been revoked or suspended may apply for reinstatement, and the bureau may reinstate within its discretion. *(Bureau of Motor Vehicles; 140 IAC 7-3-14; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1838, eff Jul 1, 1990; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231)*

140 IAC 7-3-15 Fees

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6; IC 9-29-3

Sec. 15. (a) The bureau shall collect the following commercial driver's licensing fees:

(1) Four (4) year commercial driver's license: \$25

(2) Addition of a commercial driver's license endorsement, or removal of a CDL restriction, other than at the time of application: \$15

(3) Commercial driver's license learner's permit: \$10

(4) Amendment to a commercial driver's license learner's permit, including the addition or removal of a CDL endorsement or restriction, other than at the time of application: \$5

(5) Commercial driver's license skills test, to be set by the tester: Not to exceed \$100

(b) Under IC 9-29-3, the bureau shall withhold from each CDL issued a service charge of ten dollars (\$10), and from endorsements not issued at the time of license application the sum of five dollars (\$5), to be deposited in the state license branch fund. *(Bureau of Motor Vehicles; 140 IAC 7-3-15; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1839, eff Jul 1, 1990; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; filed Mar 26, 1996, 11:35 a.m.: 19 IR 1750; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231)*

140 IAC 7-3-16 Exemptions

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6-1

Sec. 16. The provisions of this rule do not apply to the following:

(1) Noncivilian members of the armed forces or National Guard while operating military vehicles.

(2) Civilians who are required to wear military uniforms and are subject to the code of military justice.

(3) Paid or volunteer firefighters while operating firefighting equipment.

(4) Persons who operate farm vehicles which are:

(A) controlled and operated by a person actively engaged in farming;

(B) used to transport agricultural products, farm machinery, or farm supplies to and from a farm;

(C) not used as common or contract motor carriers; and

(D) used within one hundred fifty (150) miles of the person's farm.

(5) Persons who operate vehicles which are:

(A) registered as a recreational vehicle; and

(B) used primarily to transport the owner's family members or guests and their possessions for nonbusiness purposes.

(Bureau of Motor Vehicles; 140 IAC 7-3-16; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1839; filed Nov 14, 1990, 1:30 p.m.: 14 IR 556; filed Apr 15, 1991, 11:40 a.m.: 14 IR 1711; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231)

140 IAC 7-3-17 Renewal

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 17. (a) The holder of a commercial driver's license may make application to the bureau for renewal of his or her commercial driver's license no more than six (6) months prior to the expiration of his or her current license if:

(1) his or her current commercial driver's license has not been suspended, disqualified, canceled, revoked, or invalidated; and

(2) he or she has passed all required visual and physical examinations.

(b) Except as outlined in subsections (c) through (d), the core knowledge test, endorsement knowledge test, and skills test will not be required for renewal of a commercial driver's license.

(c) The hazardous materials endorsement knowledge test must be passed every four (4) years.

(d) If the commercial driver's license has been expired, disqualified, canceled, revoked, or invalidated for more than one (1) year, the holder must pass all knowledge and skills exams prior to issuance. *(Bureau of Motor Vehicles; 140 IAC 7-3-17; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1839, eff Jul 1, 1990; readopted filed Oct 17, 2001, 4:01 p.m.: 25 IR 922)*

140 IAC 7-3-18 Reciprocity

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6; IC 9-28-1

Sec. 18. The commissioner may issue a commercial driver's license to any person who holds a valid commercial driver's license of the same class from another state without requiring the person to take knowledge examinations or skills tests, except for the hazardous materials endorsement which requires a test at the time of any application. *(Bureau of Motor Vehicles; 140 IAC 7-3-18; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1839, eff Jul 1, 1990; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231)*

140 IAC 7-3-19 Administrative hearings

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 4-21.5-5-1; IC 9-24-6

Sec. 19. All administrative hearings shall be conducted in accordance with the provisions of IC 4-21.5-5-1. *(Bureau of Motor Vehicles; 140 IAC 7-3-19; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1840, eff Jul 1, 1990; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231)*

140 IAC 7-3-20 Grandfather clause

Authority: IC 9-14-2-2; IC 9-24-6-2

Affected: IC 9-24-6

Sec. 20. (a) Any person who applies for a commercial driver's license before April 1, 1992, and who holds a valid operator's license shall at the time of application, subject to the limitations of subsection (b), be exempt from taking any skills test; however, a physical examination and all knowledge examinations are required.

(b) At the time of the application, the person must certify the following:

(1) That he has a good driving record and has not had his driving privileges suspended in the past two (2) years.

(2) That he has not held more than one (1) license except that a person may have more than one (1) driver's license if a state law enacted before June 1, 1986, required the person to have more than one (1) driver's license. After December 31, 1989,

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this exception shall not apply.

(3) That he has at least two (2) years of recent driving experience in a vehicle that is representative of the group of vehicles for which he wishes to obtain a commercial driver's license.

(4) That he is regularly employed in a job requiring the operation of a commercial motor vehicle.

(5) That he has no record of any accident in which he was at fault in the last two (2) years.

(Bureau of Motor Vehicles; 140 IAC 7-3-20; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1840, eff Jul 1, 1990; filed Nov 14, 1990, 1:30 p.m.: 14 IR 557; readopted filed Jul 30, 2001, 10:30 a.m.: 24 IR 4231)

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